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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,204	09/18/2000	Nathan F. Raciborski	19396-000200US	4087
7590	03/03/2006		EXAMINER	SHINGLES, KRISTIE D
Thomas D Franklin Townsend and Townsend and Crew LLP Two Embarcadero Center 8th Floor San Francisco, CA 94111-3834			ART UNIT	PAPER NUMBER
			2141	
				DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/665,204	RACIBORSKI ET AL.	
	Examiner Kristie Shingles	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 November 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4,6,7,10-14 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4,6,7,10-14 and 17-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____.  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### *Response to Amendment*

*Claims 3, 5, 8, 9, 15 and 16 are cancelled.  
Claims 1, 2, 4, 6, 7, 10-14 and 17-20 are pending.*

### *Response to Arguments*

1. Applicant's arguments (see Remarks pages 7-9) filed on 11/22/2005 with respect to the rejections of claims 1, 2, 4, 6, 7, 10-14 and 17-20 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground of rejection is made in view of *Frey, Jr.* (US 6,922,688) and *Elledge* (US 6,044,399).

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 6, 7, 10, 11, 13, 14, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Frey, Jr.* (US 6,922,688) in view of *Elledge* (US 6,044,399).

- a. **Regarding claim 1,** *Frey, Jr.* teaches a system for distributing content to a client computer, comprising: a server comprising a content object (Abstract, col.1 lines 28-53); a first

content server at a first address, wherein the first content server comprises a first copy of the content object; a second content server at a second address, wherein the second content server comprises a second copy of the content object (Abstract, col.3 line 31-col.4 line 65, col.5 lines 4-14).

*Frey, Jr.* fails explicitly teach a preference list originating from the client computer, wherein the preference list comprises at least one of the first address and the second address. However, *Elledge* teaches a software facility of the client, which uses the configuration information of the client to a preferred server (col.2 lines 39-67, col.4 lines 24-33, col.7 lines 45-53). Furthermore, *Frey, Jr.* and *Elledge* teach a directory located remote to the client computer, wherein the directory maps at least one of the content object, the first copy, and the second copy to the client computer, wherein the directory is affected by the preference list (*Frey, Jr.*: col.2 lines 42-51, col.3 lines 45-56, col.5 line 58-col.6 line 43; *Elledge*: col.2 lines 45-55, col.3 lines 46-48 and 63-67, col.4 lines 54-60).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Frey, Jr.* with *Elledge* for the purpose of allowing preferential access to the storage device/server bases on the client's priorities, configuration data and load distribution among the servers, wherein a list or data structure maintains the addresses and locations of the storage devices/servers in the system.

b. **Claims 7 and 14** contain limitations that are substantially equivalent to claim 1 and are therefore rejected under the same basis.

c. **Referring to claim 2,** *Frey, Jr.* and *Elledge* teach the system for distributing content to the client computer as recited in claim 1, *Frey, Jr.* further teaches the system further

comprising a routing mechanism that maps one of the content object, the first copy and the second copy to the client computer (col.2 lines 28-61, col.5 lines 15-57; *Elledge*: col.3 lines 57-67).

d. **Claim 10** is substantially equivalent to claim 2 and is therefore rejected under the same basis.

e. **Referring to claim 6**, *Frey, Jr.* and *Elledge* teach the system for distributing content to the client computer as recited in claim 1, *Frey, Jr.* further teaches wherein: the content object comprises a first portion and a second portion; the first portion is stored on the first content cache and not on the second content cache; and the second portion is stored on the second content cache and not on the first content cache (Abstract, col.2 lines 28-51, col.5 lines 15-57; *Elledge*: col.7 lines 46-52).

f. **Claims 13 and 19** are substantially equivalent to claim 6 and are therefore rejected under the same basis.

g. **Referring to claim 11**, *Frey, Jr.* and *Elledge* teach the system for distributing content to the client computer as recited in claim 7, *Frey, Jr.* further teaches the system further comprising a server that comprises the content object (Abstract, col.1 lines 28-53, col.3 line 31-col.4 line 65, col.5 lines 4-14; *Elledge*: col.3 line 57-col.4 line 11, col.4 lines 51-60).

h. **Claim 17** is substantially equivalent to claim 11 and is therefore rejected under the same basis.

i. **Referring to claim 20**, *Frey, Jr.* and *Elledge* teach the system for distributing content to the client computer as recited in claim 14, *Frey, Jr.* further teaches, wherein the

routing mechanism includes a directory (col.2 lines 42-51, col.3 lines 45-56, col.5 line 58-col.6 line 43; *Elledge*: col.2 line47-50, col.3 lines 45-48, col.6 line 63-col.7 line 9).

4. **Claims 4, 12 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Frey, Jr.* (US 6,922,688) in view of *Elledge* (US 6,044,399) and further in view of *Prasad et al* (US 6,539,381).

a. **Regarding claim 4,** *Frey, Jr.* and *Elledge* teach the system for distributing content to the client computer as recited in claim 1, as applied above. While *Frey, Jr.* and *Elledge* fail to explicitly teach wherein the server periodically delivers a catalog of content objects to the directory. *Elledge* does teach mapping tables that map from the contents of the network drive mappings to the preferred servers along with the facility's retrieval of resources of the preferred server, wherein the identity of the preferred server is persistently stored for future access but may also be updated if a more suitable server becomes available (col.3 line 57-col.4 line 11, col.4 lines 49-60, col.7 lines 46-52). Nonetheless, *Prasad et al* teach wherein the server periodically delivers a catalog of content objects to the directory (col.8 lines 6-20).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the systems of *Frey, Jr.* and *Elledge* with *Prasad et al* wherein the server periodically delivers a catalog of content objects to the directory because the directory must be aware of which caches contain what content, in order to effectively determine which cache will deliver the appropriate content to the client.

b. **Claims 12 and 18** are substantially equivalent to claim 4 and are therefore rejected under the same basis.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Smith et al* (US 6,311,216), *Namma et al* (US 6,185,616).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kristie Shingles*  
*Examiner*  
*Art Unit 2141*

*kds*



RUPAL DHARIA  
PATENT DOCUMENT EXAMINER